Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-22 are pending in the application, with 1, 5, 6, 10, 12, and 16 being the independent claims. Claims 7 and 13 are sought to be amended without prejudice to or disclaimer of the subject matter therein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Drawings

Applicant takes notice of the objections stipulated in Form PTO 948, dated January 2, 2003. Pursuant to 37 C.F.R. § 1.111(b), Applicant respectfully requests that these objections be held in abeyance until allowable subject matter is indicated since a reply to the objections is not necessary for further consideration of the claims.

Objections to the Claims

The Examiner has objected to claims 18 and 19 as being dependent upon a rejected based claim 1, but asserts the claims would be allowable if rewritten in independent form. Paper No. 10, page 13. In light of the amendments and remarks herein, Applicant believes this objection has been rendered moot or is no longer valid.

However, Applicant reserves the right to amend said claims to be rewritten in

independent form in a future amendment.

Rejections under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-17 and 20-22 under 35

U.S.C. § 103, as allegedly being obvious in view of the following documents:

(1)   U.S. Patent 6,389,038 B1 to Goldberg *et al.*, issued May 14, 2002

(herein referred to as "Goldberg"); and

(2)   U.S. Patent 6,442,169 B1 to Lewis, issued August 27, 2002

(herein referred to as "Lewis").

a.   Claims 1-3 and 20

The Examiner has rejected claims 1-3 and 20 as allegedly being obvious over

Goldberg. See Paper No. 10, pages 2-3. Applicant respectfully traverses this rejection.

Goldberg does not teach or suggest each and every element and/or feature of

Applicant's invention. For example, Goldberg does not teach or suggest "aggregating

said packets into the larger data packet, said data packet including information for

synchronizing a current channel state at the originating gateway with a record of said

channel state at the destination gateway" [emphasis added], as recited in independent

claim 1. The Examiner cites the passage "Col. 4, lines 51-60" to allegedly teach this

feature. See Paper No. 10, pages 2-3. However, this passage describes Goldberg's

SuperPacket as containing control bytes that indicate the number of regular packets that

are consolidated in the SuperPacket for each channel. This passage does not teach or suggest that these control bytes are synchronized with <u>a record</u> at its terminating gateway. This passage makes no reference to <u>its terminating gateway</u>. Instead, this passage describes synchronization between a MUX proxy server and the source (i.e., "outside channels") of voice frames. Again, no reference is made to the existence of a record at the terminating gateway.

Therefore, Applicant respectfully submits that Goldberg does not teach or suggest each and every element and/or feature of claim 1. Claims 2-4 and 18-20 depend from claim 1. Therefore, the dependent claims are patentable over Goldberg for at least the reasons stated above, in addition to the additional elements and/or features cited therein. For example, since Goldberg does not teach or suggest a "record of channel state at the destination gateway," it follows that Goldberg cannot teach or suggest "using said record <u>to deframe</u> the data packet," as recited in claim 20. The aforementioned passage referenced by the Examiner does not describe packet processing at the terminating gateway.

Applicant respectfully requests reconsideration and withdrawal of the Examiner's rejection of the aforementioned claims, and allowance thereof.

b.   *Claims 5, 10, 11, 16 and 17*

The Examiner has rejected claims 5, 10, 11, 16 and 17 as allegedly being obvious over Lewis. See Paper No. 10, pages 5, 9, and 12-13. Applicant respectfully traverses this rejection.

Lewis does not teach or suggest "transmitting a check sequence data packet...," or "regenerating the missing or damaged data..." as recited in independent claims 5, 10 and 16. To support his assertions, the Examiner relies on the passage "Col. 24, lines 58-67 to Col. 25, lines 1-20." See Paper No. 10, page 5. This passage describes a TCP protocol that uses "CHECKSUM error checking logic to guarantee delivery of the message from the first system to the second" [emphasis added]. Contrary to the Examiner's assertions, Lewis does not teach or suggest that a "separate" check sequence "packet" is transmitted after every four packets. The TCP transport protocol is defined in STD 7, RFC 793, which describes a "checksum" as a 16-bit field within a TCP header, and further describes that "damage is handled by adding the checksum to each segment transmitted" [emphasis added]. Hence, Lewis does not teach or suggest transmission of a "separate" check sequence "packet."

Additionally, Lewis does not teach or suggest that a checksum is used to "regenerate missing or damaged data." The Examiner argues that the expression "guarantee delivery of the message" infers that the "CHECKSUM error checking logic" performs error correction. See Paper No. 10, page 9. Applicant respectfully disagrees. "Guaranteeing delivery" does not infer that missing or damaged data will be regenerated. As defined in STD 7, RFC 793, the TCP transport protocol describes that "damage is handled by adding the checksum to each segment transmitted, checking it at the receiver, and discarding damaged segments." Therefore, the passage cited by the Examiner does not infer that missing or damaged data is or can be regenerated. At most, the passage suggests that an erroneous packet is re-transmitted to guarantee delivery. (See Col. 24, lines 66-67 to Col. 25, lines 1-2, stating "TCP is a protocol that functions at the session

and transport layers of the OSI data model, providing the separation, transmission,

retransmitting, and sequencing of data packets." Emphasis added).

Lewis does not teach or suggest a parity system as recited in claims 5, 11, and 17.

Therefore, Applicant respectfully submits that Lewis does not teach or suggest each and

every element and/or feature of claims 5, 11, and 17.

Accordingly, Applicant does not believe that Lewis teaches or suggests

Applicant's invention. Applicant respectfully requests reconsideration and withdrawal of

the Examiner's rejection of the aforementioned claims, and allowance thereof.

c.   *Claims 4, 6-9, 12-15, 21 and 22*

The Examiner has rejected claims 4, 6-9, 12-15, 21 and 22 as allegedly being

obvious over Goldberg in view of Lewis. See Paper No. 10, pages 4, 6-8, and 10.

Applicant respectfully traverses this rejection.

As discussed above with reference to claim 1, Goldberg does not teach or suggest

"providing information in the data packet to synchronize a current channel state at the

originating gateway with a record of said channel state at the destination gateway"

[emphasis added], as recited in independent claims 6 and 12. In particular, the passage of

Goldberg cited by the Examiner does not describe "a record at its terminating gateway."

Lewis does not cure the deficiencies of Goldberg, and likewise does not teach or suggest

this feature.

As discussed above with reference to claim 5, Lewis does not teach or suggest

"regenerating missing or damaged data in the data packet," as recited in independent

claims 6 and 12, and dependent claim 4. The passage of Lewis cited by the Examiner

refers to the use of a TCP-defined checksum error checking logic, which cannot be

interpreted to infer error correction or, specifically, regenerating missing or damaged

data. Although the Examiner cites Goldberg for teaching a UDP-defined checksum (see

Paper No. 10, page 6), Goldberg's checksum also cannot be interpreted to include error

correction or, specifically, regenerating missing or damaged data. The UDP transport

protocol is defined in STD 6, RFC 768, which describes that a "UDP checksum

procedure is the same as is used in TCP." Therefore, Goldberg does not cure the

deficiencies of Lewis, and likewise does not teach or suggest Applicant's invention.

Accordingly, Applicant does not believe that Goldberg and Lewis, alone or taken

together, teaches or suggests each and every element and/or feature of dependent claim 4,

and independent claims 6 and 12. Claims 7-9 and 21-22 depend from claim 6. Claims

11-15 depend from claim 12. Therefore, the dependent claims are patentable over

Goldberg and Lewis for at least the reasons stated above, in addition to the additional

elements and/or features cited therein. For example, regarding claims 21-22, Goldberg

and/or Lewis does not teach or suggest transmissions between two "media framing

means" and/or between two "transmission control means." The Examiner relies on

Goldberg to teach a connection between two MUXes. See Paper No. 10, page 7.

However, Goldberg does not describe the architecture of its MUXes, and hence, does not

describe the existence or inter-relationships among specific elements (e.g., media

framing means, transmission control means, etc.), as recited in Applicant's invention.

Applicant respectfully requests reconsideration and withdrawal of the Examiner's

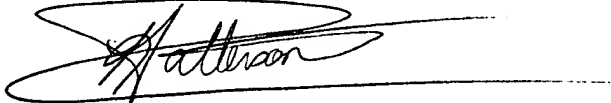rejection of the aforementioned claims, and allowance thereof.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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